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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 BAXTER HEALTHCARE
8 CORPORATION, et al.,

Plaintiffs,

No. C 07-1359 PJH

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ORDER

11 FRESENIUS MEDICAL CARE
12 HOLDINGS, INC., d/b/a FRESENIUS
MEDICAL CARE NORTH AMERICA,
et al.,

Defendants.

15 Before the court is a request by counsel for defendants Fresenius Medical Care
16 Holdings, Inc., et al. ("Fresenius") to continue the hearing on the parties' cross-motions for
17 summary judgment, previously noticed for hearing on September 2, 2009. Fresenius
18 makes the request on the basis that its lead counsel is recovering from major surgery, and
19 is unable to attend the hearing on the scheduled date.

20 Unfortunately, the court's heavy calendar over the next four months – which has
21 resulted in part from the court's unavailability from September 25 through October 14, 2009
22 – will not permit the re-scheduling of the cross-motions. The court is not unsympathetic,
23 but is hopeful that one of the other numerous attorneys appearing for Fresenius in this
24 action can provide an adequate substitute for lead counsel at the hearing.

25 IT IS SO ORDERED.

26 || Dated: August 26, 2009

PJW

PHYLLIS J. HAMILTON
United States District Judge

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